

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

PETER A. SPALLUTO)
and ACCESS WITH SUCCESS, INC.,)
Plaintiffs) CIVIL ACTION NO.: 05-cv-10385EFH
v.) LOCAL RULE 16.1 (D)
) CERTIFICATE OF PLAINTIFF
HDP, INC.,)
Defendant)

Pursuant to Local Rule 16.1 (D)(3), the undersigned counsel and parties hereby certify that they have conferred:

1. With a view to establishing a budget for the costs of conducting the full course - and various alternatives courses - of the litigation; and
2. To consider the resolution of the litigation through the use of alternative dispute resolution programs such as those outlined in L.R. 16.4.

Respectfully submitted,

/s/Peter A. Spalluto
Peter A. Spalluto

/s/Scott M. Frotton
Scott M. Frotton,
For Access with Success, Inc.

/s/Nicholas S. Guerrera
Nicholas S. Guerrera, BBO# 551475
Shaheen Guerrera & O'Leary, LLC
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CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified in the Notice of Electronic Filing.

/s/Nicholas S. Guerrera
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Dated: April 14, 2006